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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,543	12/07/2000	Yeejang James Lin	22503-715	4175

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EXAMINER

WRIGHT, NORMAN M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,543

Applicant(s)

LIN, YEEJANG JAMES

Examiner

Norman M. Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.


NORMAN M. WRIGHT
PRIMARY EXAMINER

PD

DETAILED ACTION

1. Claims 1-5 are present for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 5 is rejected under 35 U.S.C. 102(e) as being clearly by anticipated by Adelman et al., U.S. Pat. No. 6,006,259, hereinafter '259.

4. As to claim 5, '259 teaches the invention comprising: a system, VPN tunnel servers/network, host applications, a receiver request, clients, a processor, indications of loads, establishing a VPN tunnel (figs. 6, 8a-9), designating a tunnel, a traffic distributor, evaluation processor, at least performing a security functions, each VPN tunnel with characteristics, without host application involvement/user applications being executed, receiving request, routing request, opening tunnels, and updating the map. See '259, abstract, summary, fig.1 [013, 105, 106, 107, 110, 114, 115, 118], fig. 2, [200, 205, 207, 211, 225, 215], fig. 3-5, col. 1, lines 28-57 et seq., col. 2, lines 7-17 and 55-67, col. 4, lines 1-67, col. 5, lines 1-35 et seq., col. 6, lines 15 - col. 8, lines 67, col. 9, lines

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1-10 and 35 –col. 10, lines 35, col. 11, lines 37-45, col. 12, lines 35-45 et seq., and claims 1-2,5, 8-9, and 16.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adelman et al., U.S. Pat. No. 6,006,259, hereinafter '259, in view of Hoke et al., U.S. Pat. No. 6,701,437, hereinafter '437.

7. As to claims 1-5, '259 teaches the invention comprising: a system, VPN tunnel servers/network, host applications, a receiver request, clients, a processor, indications of loads, establishing a VPN tunnel (figs. 6, 8a-9), designating a tunnel, a traffic distributor, evaluation processor, at least performing a security functions, each VPN tunnel with characteristics, without host application involvement/user applications being executed, receiving request, routing request, opening tunnels, and updating the map. See '259, abstract, summary, fig.1 [013, 105, 106, 107, 110, 114, 115, 118], fig. 2, [200, 205, 207, 211,225, 215], fig. 3-5, col. 1, lines 28-57 et seq., col. 2, lines 7-17 and 55-67, col. 4, lines 1-67, col. 5, lines 1-35 et seq., col. 6, lines 15 - col. 8, lines 67, col. 9, lines 1-10 and 35 –col. 10, lines 35, col. 11, lines 37-45, col. 12, lines 35-45 et seq., and

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claims 1-2,5, 8-9, and 16. Not explicitly taught is the tunnel designator being separate from the server.

'437 teaches server designators/VPNM 160 that are outside of the servers, figures 1, and 4-8, see also col. 7, lines 7 et seq.. Additionally, it teaches handling request for routing and establishing new connection tunnels summary, and col. 7-9. It would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the invention of '259 with a VPNM that is outside of the server. One of ordinary skill in the art could have performed this modification by augmenting and adapting the VPNM management module of '437 into the invention of '259. A person of ordinary skill in the art would have been motivated to perform such a modification because, a skilled artisan would have readily realized that you could separate the designator function away from a server without losing its functionality. And further because, '437 teaches the need for a VPN to service other VPNs to process data that is communicated across private network boundaries while allowing other data to bypass it (col. 3, lines 15-25 and summary,). A person with such a desire in mind would have chosen a system such as the one disclosed by '437 as a means to accomplish VPNU control and the distribution of data to them. It also affords added security in that it prevents a single point of failure from shutting down the system (col. 4, lines 5 et seq.).

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Norman M. Wright at telephone number (703) 305-9586.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (703) 305-9586. The examiner can normally be reached on Tuesdays-Fridays from 8am to 5 pm, and on alternating Mondays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse, can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900


NORMAN M. WRIGHT
PRIMARY EXAMINER